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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,991	05/10/2001	Kazuo Hiraguchi	Q63864	4134

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EXAMINER

RENNER, CRAIG A

ART UNIT PAPER NUMBER

2652

DATE MAILED: 03/10/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/851,991

Applicant(s)

HIRAGUCHI ET AL.

Examiner

Craig A. Renner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 3-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 32-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 26-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to one or more non-elected inventions/species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7, filed 27 May 2003.
2. Claims 1 and 3-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to one or more non-elected inventions/species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9, filed 30 June 2003.

Drawings

3. The drawings were received on 16 October 2003. These drawings are acceptable.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 2 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Morita et al. (WO 00/04547) {English Equivalent: Morita et al. (US 6,577,471)}.

Morita teaches a recording medium cartridge (1) comprising a noncontact-type memory (30) having an IC section for storing information and performing signal processing (lines 14-17 on page 7, for instance {English Equivalent: lines 44-50 in column 5, for instance}), and an antenna section for performing data transmission by transmitting and receiving signals, data being read from and written to the noncontact-type memory in a noncontact manner (lines 14-17 on page 7, for instance {English Equivalent: lines 44-50 in column 5, for instance}); and an accommodation portion (between 31 and 32, as shown in FIG. 5, for instance) formed inside the recording medium cartridge which accommodates the noncontact-type memory at least partially, and which includes a first portion (i.e., lower portion immediately to the left of 32, as shown in FIG. 5, for instance) corresponding to the noncontact-type memory and a second portion (i.e., lower portion adjacent to the first portion and further to the left of 32, as shown in FIG. 5, for instance) in the vicinity of the noncontact-type memory; wherein the accommodation portion is recessed one step relative to a surrounding portion (i.e., an outer wall of lower cartridge

shell 3, for instance) [as per claim 2]; wherein the accommodation portion is triangular in shape (as shown in FIG. 5, for instance) [as per claim 34].

6. Claims 2 and 32-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Rae et al. (US 6,674,599).

With respect to claims 2 and 32-34, Rae teaches a recording medium cartridge (200) comprising a noncontact-type memory (300) having an IC section (410 and 413) for storing information and performing signal processing, and an antenna section (417) for performing data transmission by transmitting and receiving signals, data being read from and written to the noncontact-type memory in a noncontact manner (lines 18-20 in column 8, for instance); and an accommodation portion (adjacent 300, as shown in side-view Fig. 3, for instance) formed inside the recording medium cartridge which accommodates the noncontact-type memory at least partially, and which includes a first portion (i.e., lower portion contacting 300, as shown in side-view Fig. 3, for instance) corresponding to the noncontact-type memory and a second portion (i.e., lower portion to the left of the first surface under 300 but not contacting 300, as shown in side-view Fig. 3, for instance) in the vicinity of the noncontact-type memory; wherein the accommodation portion is recessed one step relative to a surrounding portion (i.e., an outer wall of lower cartridge shell, for instance) [as per claim 2]; wherein the first portion comprises at least one projection (i.e., tape-reel-area-defining projection, as shown in top-view Fig. 3, for instance) for retaining the noncontact-type memory, wherein the at least one projection extends from one of a first and a second movement prevention rib

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(i.e., first and second outer walls/ribs of lower cartridge shell, for instance, prevent cartridge shell separating movement) [as per claim 32]; wherein the second portion comprises an area where the first and second movement prevention ribs contact each other (as shown in top-view Fig. 3, for instance), such that the noncontact-type memory is disposed between the first and second portions (as shown in top-view Fig. 3, for instance) [as per claim 33]; and wherein the accommodation portion is triangular in shape (as shown in top-view Fig. 3, for instance) [as per claim 34].

With respect to claim 35, Rae teaches a recording medium cartridge (200) comprising a noncontact-type memory (300) having an IC section (410 and 413) for storing information and performing signal processing, and an antenna section (417) for performing data transmission by transmitting and receiving signals, data being read from and written to the noncontact-type memory in a noncontact manner (lines 18-20 in column 8, for instance); and an accommodation portion (adjacent 300, as shown in side-view Fig. 3, for instance) formed by a tape movement prevention rib (i.e., tape-reel-area-defining rib, as shown in top-view Fig. 3, for instance, prevents unwound tape movement radially outside of rib), where the tape movement prevention rib is configured to retain the noncontact-type memory (as shown in top-view Fig. 3, for instance), and wherein the tape movement prevention rib is disposed between the noncontact-type memory and a recording medium (lines 64-65 in column 7, for instance, i.e., located in tape reel area, as shown in top-view Fig. 3, for instance) in the recording medium cartridge (as shown in top-view Fig. 3, for instance).

Pertinent Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes McAllister et al. (US 6,304,416), Ota et al. (US 6,556,378), and Kano et al. (US 6,667,846), which each individually teaches a recording medium cartridge having a noncontact-type memory accommodated inside the recording medium cartridge.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (703) 308-0559. The examiner can normally be reached on Tuesday-Friday 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Craig A. Renner
Primary Examiner
Art Unit 2652

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